



case notes that, “This term of imprisonment shall run concurrent to the sentence imposed in 3:21cr161-RAH, U.S. District Court, Middle District of Alabama, and consecutive to any term imposed in CC-07-71 in Lee County, AL.” (Doc. 137 at 2).

5. On May 13, 2024, the defendant filed his motion for Nunc Pro Tunc. He does not specify what sentence he is requesting the federal sentence(s) run concurrent with. However, the Government assumes he is referring to a sentence related to case number CC-07-71 in Lee County, AL.

6. The defendant does not cite any legal authority to support the proposition that the sentencing court can substantively change a sentence imposed nearly two years ago. In this case, the court specifically considered whether to run the federal sentences concurrent with or consecutive to the Lee County, AL case and it chose to state in the judgment that the sentences were to run consecutive to it. See United States vs. Blanc, 2022 WL 16636207 (11<sup>th</sup> Cir. 2022) (“Instead of seeking to correct a clerical error or omission, Blanc's motion asked the district court to modify substantively the term of his federal sentence from one that ran consecutive to his state sentences to one that ran concurrent with his state sentences: a modification that would effectively lower his federal sentence by years. Under 18 U.S.C. § 3582(c), a district court has authority to modify a term of imprisonment only in limited circumstances: for example, when the defendant was sentenced based on a sentencing range that was later lowered by the United States Sentencing Commission or when extraordinary and compelling reasons warrant a reduced sentence. *See* 18 U.S.C. § 3582(c). Blanc has neither argued nor demonstrated that he is eligible for a reduced sentence under section 3582(c).”).

7. Like Blanc, the defendant in this case “has neither argued nor demonstrated that he

is eligible for a reduced sentence under section 3582(c).” The motion should, therefore, be denied.

Respectfully submitted this the 23rd day of May, 2024.

JONATHAN S. ROSS  
UNITED STATES ATTORNEY

/s/ Kevin P. Davidson  
KEVIN P. DAVIDSON  
Assistant United States Attorney  
131 Clayton Street  
Montgomery, AL 36104  
Phone: 334-223-7280  
E-mail: kevin.p.davidson@usdoj.gov

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

UNITED STATES OF AMERICA	)	
	)	
v.	)	CR. NO. 3:05-cr-00187-RAH
	)	
SAWELIJA TYREE FLOYD	)	

**CERTIFICATE OF SERVICE**

I hereby certify that on May 23, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and mailed a copy of the foregoing to the defendant, addressed to:

Sawelija Floyd  
#190962  
Bullock Correctional Facility  
104 Bullock Dr.  
Union Springs, AL. 36089

Respectfully submitted,

/s/ Kevin P. Davidson  
KEVIN P. DAVIDSON  
Assistant United States Attorney  
131 Clayton Street  
Montgomery, AL 36104  
Phone: 334-223-7280  
Fax: 334-223-7135  
E-mail: kevin.p.davidson@usdoj.gov